

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER Y13-4  U.S. APPLICATION NO. If known, see 37 CFR 1.5) unassigned
INTERNATIONAL APPLICATION NO. PCT/JP2004/004785	INTERNATIONAL FILING DATE April 1, 2004	PRIORITY DATE CLAIMED April 10, 2003
TITLE OF INVENTION DISCHARGE TUBE AND SURGE ABSORBER		
APPLICANT(S) FOR DO/EO/US Koichi IMAI, Satoshi HORI, Yoichi MATSUYAMA, and Yoshikazu HANAMURA		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) unassigned <b>10/549586</b>		INTERNATIONAL APPLICATION NO. PCT/JP2004/004785		ATTORNEY'S DOCKET NUMBER Y13-4	
20. Other items or information:  AS NOTED IN THE TRANSMITTAL LETTER ATTACHED HERETO					
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$ 200.00	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))				\$ 500.00	
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500					
TOTAL OF 21, 22 and 23 =					
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
120 - 100 =	20 /50 =	0.40	x \$250	\$ 250.00	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	13 - 20 =	0	x \$ 50	\$ 0.00	
Independent claims	7 - 3 =	4	x \$200	\$ 800.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 2050.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 2050.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40.00	
TOTAL FEES ENCLOSED =				\$ 2090.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 30-2920. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer No. 39648  
Andrew F. Young, P.C.  
115 Orchid St.  
Floral Park, NY 11001-3225

  
\_\_\_\_\_  
SIGNATURE

Andrew F. Young, Esq.  
\_\_\_\_\_  
NAME

44,001  
\_\_\_\_\_  
REGISTRATION NUMBER

10/549586

PATENT

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Y13-4

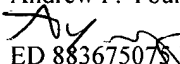
Y13-4.Cover LTR to PTO - new US application,wpd

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Koichi IMAI et al.  
 Serial No. : To be assigned  
 Filed : Herewith  
 For : **DISCHARGE TUBE AND SURGE ABSORBER**  
 Examiner : Unassigned  
 Art Unit : Unassigned  
 Our ref. No. : Y13-4  
**Customer No. : 39648**

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, in an envelope addressed to: Hon. Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on:

Date : September 19, 2005  
 By : Andrew F. Young, Esq.  
 Signature :   
 Customer Receipt No.: ED 883675078 US

**NATIONAL PHASE APPLICATION FILING SHEET**  
**and COMMENTS TO THE OFFICE**

Mail Stop: PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Enclosed is a new National-Phase (371) Utility Application for immediate filing. The following items are enclosed:

1. National Phase Filing Sheet - this document (2 pages) - signed.
2. 35 U.S.C § 371 Patent Application Transmittal Sheet – PTO-1390 – signed
3. Payment Form PTO-1038 including fee of \$ 2090.00 , (Application is a LARGE ENTITY) - 1 page (Authorization is provided to Deposit Acct. 50-2920).
4. Declaration, Oath, and Power of Attorney – PTO/SB/106 – signed (4 pages).
5. Application Data Sheet under 37 C.F.R. §1.76 - signed (3 pages).
6. Complete copy of WO 2004/091060 (PCT/JP2004/004785) application, including cover pages (2), specification and claims (51 pages), abstract (1 page), and drawings (28 sheets).
7. Complete Translation of PCT/JP2004/004785 (92 pages).
8. Translation of Drawings/Clean English-Language Drawings (28 sheets).
9. Copy International Search Report - PCT/ISA/210, in both Japanese and English-9 pages with cover sheets.
10. Information Disclosure Statement - signed (2 pages).
11. PTO-1449 listing nine (9) references (9 references are enclosed, including those from the International Search Report and English Translation of each Abstract).

## PATENT

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12. Assignment Recordation Cover Letter - signed (1 page)
13. Assignment Recordation Form - USPTO 1595 - (1 page)
14. Assignment from Inventors to Assignee - Executed (2 pages)
15. Power of Attorney from Assignee, Okaya Electric Industries Co., Ltd.
16. Authorization to charge deposit account 50-2920 for additional fees not covered herein.
17. Certificate of Express Mailing - above.
18. Confirmation Return Receipt Postcard.

## COMMENTS TO THE OFFICE

(1) **Title:** Applicants herein note that the title on the enclosed translation, and as listed above, namely; **DISCHARGE TUBE AND SURGE ABSORBER** is the correct translation of the original Japanese title. It is specifically noted, that the English-language title on WO 2004/091060 A1 (DISCHARGE TUBE AND SURGE ABSORBING DEVICE) is an inaccurate translation of the Japanese original.

This is not an amendment, but merely a correction of an existing inaccuracy.

(2) **Address:** The undersigned counsel for Applicants consulted with the US PCT receiving office on Friday, September 16, 2005, provided the below comments, and received the confirmation noted. This same discussion and confirmation was held with the Assignment Division who confirmed the same.

The Assignee (and PCT Applicant) **OKAYA ELECTRIC INDUSTRIES CO., LTD.** changed their address on approximately February 14, 2005 during the international stage of the present application. As this National Phase application did not, at that time, have a US national contact there is no requirement to file under the earlier address indicated on PCT/JO2004/004785 and then file an address correction. Instead, Applicants were advised to file in the US Assignment Division with the correct address at the time of entering the US Receiving Office.

Respectfully submitted,  
FOR THE FIRM



Andrew F. Young, Esq.  
Reg. No. 44,001

**Andrew F. Young, P.C.**

115 Orchid St.

Floral Park, NY 11001

516-775-0068

Date: September 19, 2005

AFY/

Enclosures: (as listed above)

Y13-4.Cover LTR to PTO - new US application.wpd